

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
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DATE FILED: 11/23/11

NATHANIEL SIMS,

Plaintiff,

-against-

DR. GOLDBERG, et al.,

Defendants.

09 Civ. 7302 (PKC) (AJP)

ORDER

ANDREW J. PECK, United States Magistrate Judge:

The Court is in receipt of the County Defendants' motion to dismiss. Because the motion refers to matters outside the pleadings, the Court will treat it as a summary judgment motion. The Court extends plaintiff Sims' response time to December 7, 2009 (and defendants' reply papers shall be due December 14, 2009), and must comply with Federal Rule of Civil Procedure 56 and Local Rules 56.1 and 56.2 (notice of which defendants gave to plaintiff).

The motion will be finally decided by Judge Castel, unless all parties agree to have me decide the motion (or the entire case) pursuant to 28 U.S.C. § 636(c). Forms are enclosed. Ms. Rotini is to determine the views of all parties and advise the Court by December 7, 2009.

SO ORDERED.

Dated: New York, New York
November 23, 2009

Andrew J. Peck
United States Magistrate Judge

Copies to: Nathaniel Sims (Mail)
Frank D. Thompson, II, Esq. (Fax)
Melissa-Jean Rotini, Esq. (Fax)
Judge P. Kevin Castel